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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,306

01/22/2002

Rudor M. Teich

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05/07/2004

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EXAMINER

LINNENKAMP, NICHOLAS L

ART UNIT

PAPER NUMBER

2635

4

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/054,306

Applicant(s)

TEICH, RUDOR M.

Examiner

Nicholas L Linnenkamp

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, 16-21, 24-29 and 31-36 is/are rejected.
- 7) ☒ Claim(s) 2-7, 10-15, 18-23, 26-29, and 32-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1-5, 8-13, 16-21, 24-29, and 31-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 10/054305. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generally broader than the claims in your application. Broader claims in another application constitute obvious double patenting of narrow claims in the instant application.

Claim 1 in application 10/054306 teaches the limitations:

A remote control system...the improvement in which

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- a transmitter can be placed in an operate mode and a teach mode (**placed in different modes**),
- the transmitter transmitting its identification code in both modes but the forms of the transmission being different in the two modes (**forms different**), and
- the receiver operates to add a received authorization code to its list only if the form of the received transmission is that of a transmitter teach mode (**operates to add when in certain mode**).

And in addition claim 2 of 10/054306 teaches the further limitations:

- the identification code of a transmitter is automatically changed when the transmitter is to have its identification code added to the receiver list (**code changing**).

Which are evidenced in claim in claim 3 of 10/054305:

A remote control system...the improvement in which

- the identification code of a transmitter is automatically changed when the transmitter is to have its identification code added to the receiver list (**code changing**)
- wherein the transmission when an identification code is to be added to the receiver list is different in form from the transmission when an identification code is not to be added to the receiver list (**placed in different modes, forms different, operates to add when in certain mode**)

The instant application recites the limitations of teach and operate modes in which the receiver operates to add the identification code only in teach mode, which are

not specifically recited in application 10/054305 but are encompassed by the inclusion of different modes having different forms and adding only in one of the modes.

It would have been obvious to one skilled in the art at the time of invention to recognize the two differing modes in application 10/054305 as teach and operate modes as recited in application 10/054306 because the defining of teach and operate modes in application 10/054305 only gives titles to the different transmitting forms of application 10/054305, which as shown above, perform the same operations such as, code changing when added to receiver list, differing forms of transmission, transmitter can be placed in different modes, and operates to add when in a certain mode. The recitation of different transmitting modes is seen as broader recitations of teach and operate modes.

Claim 3 in application 10/054306 teaches limitations which are evidenced in claim 2 of 10/054305:

Claim 4 in application 10/054306 teaches limitations which are evidenced in claim 4 of 10/054305 except for the recitation of a teach mode.

Claim 5 in application 10/054306 teaches limitations which are evidenced in claim 5 of 10/054305 except for the recitation of a teach mode.

The instant application recites the limitations of transmitting in a teach mode which is not specifically recited in 10/054305 but are encompassed by transmitting in a different form.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in a teach mode as transmitting in a changed form and recognize that changing a transmitting form is a broader recitation of teach mode as detailed above.

Claim 9 in application 10/054306 teaches the limitations:

- means for placing the transmitter in an operate mode and a teach mode  
**(means for changing modes),**
- the transmitter transmitting its identification code in both modes but the forms of transmission being different in the two modes, and **(form of modes is different)**
- means in the receiver for controlling the addition of a received authorization code to the receiver list only if the form of the received transmission is that of a transmitter teach mode **(controlling addition in the receiver).**

And claim 10 in application 10/054306 teaches the further limitations:

- identification code of a transmitter is automatically changed when the transmitter is to have its identification code added to the receiver list  
**(automatically changing id)**

Which are evidenced in claim 6 of 10/054305:

- means for automatically changing the identification code of a transmitter when the transmitter is to have its identification code added to the receiver list  
**(automatically changing id)**

- the transmission when an identification code is to be added to the receiver list is different in form from the transmission when an identification code is not to be added to the receiver list **(implied means for changing mode, form of modes is different, controlling addition in the receiver)**

Claim 12 in application 10/054306 teaches limitations which are evidenced in claim 9 of 10/054305 except the recitation of a teach mode.

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claim 11 in application 10/054306 teaches limitations which are evidenced in claim 7 of 10/054305:

Claim 13 in application 10/054306 teaches limitations which are evidenced in claim 10 of 10/054305 except for teach and operate modes.

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claim 17 in application 10/054306 teaches the limitations:

- a method for operating at least one remote control transmitter that is associated with a receiver **(operation)**
- the transmitter transmitting a respective identification code along with an operate command **(transmit id/operate)**
- the receiver being operable in a learn mode during which it may receive a transmitted identification code for addition to its list **(receiver list with receiver learn mode)**
- the method comprising selectively placing the transmitter in an operate mode or a teach mode **(selectable transmitter mode)**
- controlling the transmitter to transmit its identification code in both mode but the forms of transmission being different in the two modes **(modes are different but both have id)**
- controlling the receiver to add a received authorization code to the receiver list only if the form of the received transmission is that of a transmitter teach mode **(add id if transmitter in teach mode)**

And claim 18 in application 10/054306 teaches the further limitations:

- automatically changing the identification code of a transmitter when the transmitter is to have its identification code added to the list (**change id when in teach mode**)

Which are evidenced in claim 13 of 10/054305:

- a method for operating at least one remote control transmitter that is associated with a receiver (**operation**)
- the transmitter transmitting a respective identification code along with an operate command (**transmit id/operate**)
- the receiver having a list of identification codes associated with authorized transmitters (**receiver list**)
- the receiver being operable in a learn mode during which it may receive a transmitted identification code for addition to its list (**receiver list with receiver learn mode**)
- the method comprising automatically changing the identification code of the transmitter when the transmitter is to have its identification code added to the receiver list (**change id when in teach mode**)
- the transmission when an identification code is to be added to the receiver list is different in form from the transmission when an identification code is not to be added to receiver list (**implied selectable transmitter mode, and modes are different but both have id**)

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claim 19 in application 10/054306 teaches limitations which are evidenced in claim 12 of 10/054305:

Claim 20 in application 10/054306 teaches limitations which are evidenced in claim 14 of 10/054305.

Claim 21 in application 10/054306 teaches limitations which are evidenced in claim 15 of 10/054305 except for the recitation of a teach mode and an operate mode.

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or

changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claim 25 in application 10/054306 teaches the limitations:

- a transmitter can be placed in an operate mode and a teach mode (**different modes**)
- the transmitter transmitting its identification code in both modes but the forms of transmission being different in the two modes (**forms different between modes**) in order to enable the receiver to add a received authorization code to its list only if the form of the received transmission is that of a transmitter teach mode (**only add to receiver list when in specific mode**)

And claim 26 in application 10/054306 teaches the further limitations:

- means for automatically changing the identification code of the transmitter when the transmitter is to have its identification code added to the receiver list (**automatically change identification code**)

Which are evidenced in claim 18 of 10/054305:

- the identification code of the transmitter is automatically changed when the transmitter is to have its identification code added to the receiver list (**automatically change identification code**)
- the transmission when an identification code is to be added to the receiver list is different in form from the transmission when an identification code is not to

be added to the receiver list **(different forms/modes, add to receiver list when in specific mode)**

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claim 27 in application 10/054306 teaches imitations which are evidenced in claim 17 of 10/054305:

Claim 28 in application 10/054306 teaches limitations which are evidenced in claim 19 of 10/054305 except for the recitation of a teach mode.

The instant application recites the limitations of transmitting in a teach mode which is not specifically recited in 10/054305 but are encompassed by transmitting in a different form.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in a teach mode as transmitting in a changed form and recognize that changing a transmitting form is a broader recitation of teach mode.

Claim 29 in application 10/054306 teaches limitations which are evidenced in claim 20 of 10/054305:

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claim 31 in application 10/054306 teaches the limitations:

- means for placing the transmitter in an operate mode and a teach mode  
**(means for changing modes)**
- the transmitter transmitting its identification code in both modes but the forms of transmission being different in the two modes in order to enable the receiver to add a received authorization code to its list only if the form of the received transmission is that of a transmitter teach code **(form of modes different, controlling addition in the receiver)**

And claim 32 in application 10/054306 teaches the further limitations:

- means for automatically changing the identification code of the transmitter when the transmitter is to have it identification code added to the receiver list  
**(automatically changing id)**

Which are evidenced in claim 21 of 10/054305:

- means for automatically changing the identification code of the transmitter when the transmitter is to have its identification code added to the receiver list **(automatically changing id)**
- the transmission when an identification code is to be added to the receiver list is different in form from the transmission when an identification code is not to be added to receiver list **(implied means for changing modes, form of modes is different, controlling addition in the receiver)**

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claim 33 in application 10/054306 teaches limitations which are evidenced in claim 22 of 10/054305:

Claim 34 in application 10/054306 teaches limitations which are evidenced in claim 24 of 10/054305 except for the recitation of a teach mode.

The instant application recites the limitations of transmitting in a teach mode which is not specifically recited in 10/054305 but are encompassed by transmitting in a different form.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in a teach mode as transmitting in a changed form and recognize that changing a transmitting form is a broader recitation of teach mode.

Claim 35 in application 10/054306 teaches limitations which are evidenced in claim 25 of 10/054305:

The instant application recites the limitations of operating and transmitting in teach and operate modes which are not specifically recited in 10/054305 but are encompassed by recitation of transmitting in a different forms.

It would have been obvious to one skilled in the art at the time of invention recognize transmitting in teach mode or operate mode as transmitting in a normal or changed form and recognize that changing a transmitting forms is a broader recitation of teach and operate modes.

Claims 8, 16, 24, 30, and 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 6, 13, 16, and 23 respectively of copending Application No. 10/054305 in view of Tanaka.

Application No. 10/054305 does not teach that the mode of operation is controlled by the length of time a button is pressed.

Tanaka teaches of transmitting differing signals dependent on the length of time a button is pressed such as "click and drag" function of the mouse. In addition, it is well known in the area of electronic device usage that an extended click can be used for controlling the actions of the computer.

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of 10/054305 with the suggestions of Tanaka to change the form of transmission upon the depression of a button for an extended period of time because Tanaka suggests that additional functions can be achieved from a one or two button mouse by considering the length of time depressed (**Col 10, lines 24-33**)

This is a provisional obviousness-type double patenting rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9, 17, 25, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Benayoun et al (heretofore Benayoun).

In reference to claim 1, Benayoun teaches of a remote control system (wireless mouse) that has a transmitter for transmitting an identification code and a receiver for receiving the identification code (**identification stored in PROM 44, paragraph [0026]**). Benayoun teaches of the improvements such as

- the transmitter can be placed in an operate mode and a teach mode (**sync mode and operating mode corresponding to teach mode and operate mode respectively, paragraph [0027]**)
- the transmitter transmitting its identification code in both modes but the forms of the transmission being different in the two modes (**first byte V, represents Vendor code shown as being transmitted in multiple modes, paragraph [0036-0037]**),
- the receiver operates to add a received authorization code to its list only if the form of the received transmission is that of a transmitter teach code (**fig 9-a, block 904 shows receiver only synchronizes/learns if transmitter transmits a sync frame, transmission of the Sync\_PC\_ACK frame at step 914 is an indication by the PC that the transmitter's code was added the receivers list**)

In reference to claim 9, Benayoun teaches of a remote control system in which the improvement comprises

- means for placing the transmitter in an operate mode and a teach mode  
**(push button 20)**
- the transmitter transmitting its identification code in both modes but the forms of transmission being different in the two modes **(first byte V, represents Vendor code shown as being transmitted in multiple modes, paragraph [0036-0037])**
- means in the receiver for controlling the addition of a received authorization code to the receiver list only if the form of the received transmission is that of a transmitter teach code **(keyboard PAD = "S" controls addition of received authorization code only if Sync/teach frame has been sent, see Fig 9-a).**

In reference to claim 17, Benayoun teaches of a method for operating a remote control transmitter with

- the transmitter transmitting a respective identification code along with an operate command **(first byte V, represents Vendor code shown as being transmitted in multiple modes, paragraph [0036-0037])**
- the receiver having a list of identification codes associated with authorized transmitters **(receiver sync's with transmitter, thus implied authorization of transmitter through receipt of identification code)**
- the receiver being operable in a learn mode during which it may receive a transmitted identification code for addition to its list **(keyboard PAD = "S" controls learn mode/operate mode, see Fig 9-a).**

- selectively placing the transmitter in an operate mode or teach mode (**push button 20**)
- controlling the transmitter to transmit its identification code in both modes but the forms of transmission being different in the two modes (**first byte V, represents Vendor code shown as being transmitted in multiple modes, paragraph [0036-0037]**)
- controlling the receiver to add a received authorization code to the receiver list only if the form of the received transmission is that of a transmitter teach mode (**keyboard PAD = "S" controls addition of received authorization code only if Sync/teach frame has been sent, see Fig 9-a**)

In reference to claim 25, Benayoun teaches of a transmitter in which the improvement consist

- the transmitter can be placed in an operate mode and a teach mode (**sync mode and operating mode, paragraph [0027]**)
- the transmitter transmitting its identification code in both modes but the forms of transmission being different in the two modes (**first byte V, represents Vendor code shown as being transmitted in multiple modes, paragraph [0036-0037]**) in order to enable the receiver to add a received authorization code to its list only if the form of the received transmission is that of a transmitter teach mode (**fig 9-a, block 904 shows receiver only synchronizes/learns if transmitter transmits a sync frame**)

In reference to claim 31, Benayoun teaches of a transmitter for a remote control system, with the remote control system having:

- a receiver that stores a list of identification codes associated with authorized transmitters, the receiver being operable in a learn mode during which it may receive an identification code for addition to its list **(receiver sync's with transmitter, thus implied authorization of transmitter through receipt of identification code, receiver taught as above in claim 17)**

transmitter having:

- a means for placing the transmitter in an operate mode and a teach mode **(sync mode and operating mode, paragraph [0027])**
- the transmitter transmitting its identification code in both modes but the forms of transmission being different in the two modes **(first byte V, represents Vendor code shown as being transmitted in multiple modes, paragraph [0036-0037])** in order to enable the receiver to add a received authorization code to its list only if the form of the received transmission is that of a transmitter teach mode **(fig 9-a, block 904 shows receiver only synchronizes/learns if transmitter transmits a sync frame)**

Thus, Benayoun anticipates claims 1, 9, 17, 25, and 31.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8, 16, 24, 30, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benayoun in view of Tanaka.

In regards to claim 8, claim 1 is taught as above. Benayoun does not teach that the mode of operation is determined by the length of time that the button is depressed. Tanaka suggests transmitting differing signals dependent on the length of time a button is pressed such as "click and drag" function of the mouse. In addition, it is well known in the area of computer usage that an extended click can be used for controlling the actions of the computer.

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Benayoun with the suggestions of Tanaka to change the form of transmission upon the depression of a button for an extended period of time because

Tanaka suggests that additional functions can be achieved from a one or two button mouse by considering the length of time depressed (**Col 10, lines 24-33**)

In regards to claim 16, claim 9 is taught as above. Claim 9 is taught similar to claim 8 above.

In regards to claim 24, claim 17 is taught as above. Claim 24 is taught similar to claim 8 above.

In regards to claim 30, claim 25 is taught as above. Claim 30 is taught similar to claim 8 above.

In regards to claim 36, claim 31 is taught as above. Claim 36 is taught similar to claim 8 above.

Thus, Benayoun and Tanaka teach all the limitations of claims 8, 16, 24, 30, and 36.

### ***Allowable Subject Matter***

Claims 2-7, 10-15, 18-23, 26-29, and 32-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and further filing a terminal disclaimer with respect to application 10/054305.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark et al. (heretofore Clark) teaches of a remote control system

with teach/learn setting of identification code in which the receiver teaches that transmitter which codes to associate to which button and which identification code to use.

The prior art of record fails to teach or suggest a transmitter with teach/operate modes that has its identification code automatically changed when added to the receiver's authorization list (teach mode). The prior art does not teach of a receiver that changed the transmitters identification code when adding the transmitter to the receivers authorization list (a learning transmitter).

The prior art does not teach of a transmitter with teach/operate modes that has its identification code automatically changed, wherein the new identification code is randomly generated and cannot be traced to the previous identification code. The prior art does teach of receivers that generated new identification codes that were randomly generated and could not be traced to the previous identification code, in addition, rolling codes were considered relevant.

The prior art of record fails to teach or suggest a transmitter that when put into teach mode operates several times in teach mode at the push of a button. The prior art does teach of transmitters that repeated the identification code sequence several times quickly to ensure that the receiver obtained sufficient data to correctly decode the transmitters identification code.

The prior art of record fails to teach or suggest that received transmitter commands are ignored when the receiver is placed in the learn mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas L Linnenkamp whose telephone number is (703) 305-8701. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas L Linnenkamp  
Examiner  
Art Unit 2635

NLL

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

